

REMARKS

Claims 1-5, 7-9, and 11-19 are pending in the present application, claim 19 having been cancelled without prejudice and disclaimer herein. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Applicant notes with appreciation the indication of the allowability over the prior art of claims 1, 4, 5, 7, 12, and 15.

35 U.S.C. §112, Second Paragraph

Claims 14-16 and 20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim subject matter of claimed invention. Applicants have amended claim 16 to overcome this rejection. Withdrawal of the rejection is respectfully requested.

Claim Rejections under 35 U.S.C. §102/103

Claims 11, 14, 16 and 20, were rejected under 35 U.S.C. § 103(a) as being obvious over German Publication 22 25 152 ("Haas") in view of U.S. Patent No. 1,539,826 ("Boutelle") and/or U.S. Patent No. 1,539,826 ("Grace") and/or U.S. Patent No. 3,876,318 ("Crispell") and/or U.S. Patent No. 4,397,484 ("Miller") and/or U.S. Patent No. 5,299,375 ("Thummel") and/or U.S. Patent No. 5,997,012 ("Brian"). Claims 4, 5, and 12 were rejected under 35 U.S.C. § 103(a) as being obvious over GP'152 in view of Clark, and/or Cherry and/or Parr and/or Heine and further in view of U.S. Patent No. 3,285,642 ("Sauer"). Applicant respectfully traverses these rejections.

In amended claim 11 the term "for use in a" is substituted by "in combination with a". By this amendment, claim 11 is now patentable over the prior art by virtue of its incorporation of all of the limitations of allowed claim 1, because it now is directed to a shell in combination with the cutting arrangement of claim 1.

In amended claim 16, feature c the term "disposed on" is complemented by "surround". Further, in feature d, line 3 the term "shell" is substituted by the term "shells". In addition amended claim 16 comprises a new feature f that corresponds with previously presented claim 20. Claim 20 is cancelled, since it is incorporated in amended claim 16.

According to GP'152, a muffle ("Muffe" 6) comprises clamping flanges ("Spannfiansche" 61) in order to be clamped on a drive shaft ("Antriebswelle" 2) as it is illustrated in fig. 1 to 3 and described on page 6, last paragraph to page 7, first paragraph. Half shells ("Bürstenhalbschalen" 9) are axially connected to the muffle 6 by screws, whereas the muffle 6 comprises threaded holes ("Gewindebohrungen" 62). The fastening of the half shells 9 and especially the positioning of them to each other is guaranteed by fastening screws that are oriented in parallel to the drive shaft 2. This kind of fastening is less stable, since centrifugal forces are oriented transverse to the fastening screws. Transverse forces are disadvantageous. The positioning of the half shells 9 at the muffle 6 is realized by axial-bores. This kind of positioning is comparatively inaccurate.

Further, the half shells according to GP'152 are not connected directly to the roll core, even if one interprets the drive shaft 2 as roll core. The half shells

according to GP'152 are directly connected to the muffle 6 by screws, whereas the muffle 6 is clamped on the drive shaft 2. The half shells are thus **indirectly** connected to the roll core.

In addition, according to amended claim 16, the shells of the brush roll are disposed on and surround a roll core. The Examiner asserted that elements 10 and 2 are the "roll core" of GP'152. However, element 10 is a groove between two brush rolls 9. The brush rolls are not "disposed on" the groove; they are adjacent to it. Applicant's amendment to recite that the shells of the brush roll are disposed on **and surround a** roll core emphasizes this distinction. Further, with regard to element 2, though the shells surround the roll core 2, they are not fixed to it, or directly fixed to as is now recited in claim 16. The Examiner's allegation that the shells are "clearly 'directly' fixed to the roll core" only is correct if element 10 is the roll core. As established above, however, that is not the case. Therefore, GP'152 does not disclose the asserted limitations of claim 16. Thus, even if the other cited documents are assumed, for the sake of argument only, to teach what they are asserted to teach, and even if, for the sake of argument only, one of ordinary skill in the art would have been motivated to modify GP'152 by those various teachings, the claimed limitations of claim 16 would not have been the result.

The cutting arrangement according to amended claim 16 enables mounting of the shells of the brush rolls faster and more accurately than that disclosed in GP'152. Further, such arrangement is more stable and robust. Applicant respectfully submits that none of the cited prior art documents gives any hint or suggestion to

providing a cutting arrangement starting from GP'152 as it is recited in amended claim 16.

For at least these reasons, Applicant respectfully submits that the limitations of claims 11 and 16 are not found in the prior art, whether taken alone or in combination as proposed in the Office Action. Further, one of ordinary skill in the art would not have been motivated to combine the teachings of the cited references, absent impermissible hindsight reference to Applicant's disclosure. Claim 14 is dependent from and include the limitations of claim 16, and are believed to be patentable in and of themselves and for the reasons discussed above.

Conclusion

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to contact the undersigned at 202-628-5197.

Appln. No. 10/572,581

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Amdt. dated **April 4, 2011**

Reply to Office action of February 4, 2011

Respectfully submitted,

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